

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRIDGETT L. WESTFALL, BRITTANY M.)
MCCLONEY AND DWAYNE WESTFALL,)
)
Plaintiffs,)
)
vs.) Case No.4:08-1081-JCH
)
FEDEX FREIGHT EAST, INC. AND)
DENNIS ODELL KENNEDY, JR.,)
)
)
Defendants.)

ORDER

On Joint Motion For Approval of Settlement, the parties have advised the Court that a Settlement of the claims of the plaintiffs for the alleged wrongful death of Gentry Westfall, decedent, has been reached between plaintiffs and Defendants FedEx Freight East, Inc. and Dennis Odell Kennedy, Jr. and for all injuries, damages, claims, and losses suffered by the plaintiffs and their decedent as a result thereof. The Court is further advised that the Settlement is contingent upon approval of this Court. The Court has now reviewed all relevant material in this cause.

WHEREFORE, pursuant to Missouri Revised Statutes Section 537.095, and upon due consideration thereof, the Court finds and Orders the following:

1. That the terms of the settlement are set forth in the General Release and Settlement Agreement, which has been filed and reviewed by the Court.
2. The Court finds that Bridget Westfall, Britney McCloney and Dwayne Westfall are the only surviving heirs and that they are the only persons entitled to pursue this action

pursuant to Missouri Revised Statutes Section 537.080 and recover damages and are entitled to settle this action for the alleged wrongful death of Gentry Westfall.

3. Plaintiffs and Defendants and their attorneys believe and represent to the Court that the purposed settlement is fair and reasonable concerning all of the facts and circumstances and have represented that approval by the Court would be in the best interest of plaintiffs and defendants.
4. The Court does further find that the Settlement of the above-referenced case is reasonable, is entered in good faith, and is in the best interest of all of the parties.
5. Plaintiffs are ordered to sign the General Release and Settlement Agreement and complete the Settlement pursuant to Missouri Revised Statutes Section 537.095(1).
6. That plaintiffs contracted to pay their attorneys their agreed upon share of the gross recovery of the wrongful death amount herein as fees, plus reimbursement for expenses incurred in the prosecution of this action and the Court finds those sums are reasonable and are approved and shall be deducted from the settlement before pay out to plaintiffs.
7. Plaintiffs shall execute an acknowledgment of satisfaction of the settlement upon receipt of the Settlement proceeds; defendants to pay the settlement within 30 days.
8. That the cause is dismissed with prejudice with each party to their own costs.

Dated this 12th day of June, 2009.

So Ordered:


Jean C. Hamilton
United States District Judge